

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Angel Riddle	Team: Squad #05	CCRB Case #: 202206331	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/20/2022 10:20 AM	Location of Incident: East 53rd Street and 3rd Avenue	18 Mo. SOL 3/20/2024	Precinct: 18		
Date/Time CV Reported Wed, 09/21/2022 2:56 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/21/2022 2:56 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO John Estling	13494	961744	088 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO John Estling	Abuse: Police Officer John Estling threatened § 87(2)(b) with the use of force.	
B. PO John Estling	Abuse: Police Officer John Estling failed to provide § 87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On September 21, 2022, § 87(2)(b) filed this complaint via the CCRB's call processing system.

On September 20, 2022, at approximately 10:20 a.m., at the intersection of East 53rd Street and 3rd Avenue in Manhattan, PO John Estling of the 88th Precinct was on a detail assignment overseeing the flow of traffic during the United Nations General Assembly. § 87(2)(b) disobeyed PO Estling's signal that he stop and drove past him on East 53rd Street. PO Estling approached § 87(2)(b) vehicle and allegedly told § 87(2)(b) "I should pull you out of the car" (**Allegation A: Abuse of Authority**, § 87(2)(g), § 87(2)(b)) later exited his vehicle and approached PO Estling on foot to request his business card, and PO Estling did not provide one (**Allegation B: Abuse of Authority**, § 87(2)(g), § 87(2)(g), § 87(4-b)).

The investigation obtained BWC footage from PO Estling capturing the second interaction (**BR01**, summarized at **BR02**). He did not activate his BWC during the first interaction. All references to video evidence below refer to the time stamp in the video player, and not to any on-screen clock embedded in the footage itself.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer John Estling threatened § 87(2)(b) with the use of force.

Allegation (B) Abuse of Authority: Police Officer John Estling failed to provide § 87(2)(b) with a business card.

§ 87(2)(g), § 87(4-b)

It is undisputed that § 87(2)(b) requested a business card from PO Estling and that PO Estling did not provide him with one. It is also undisputed that PO Estling was not carrying any business cards on the date of the incident.

During his initial statement (**BR03**) and his interview (**BR04**), § 87(2)(b) complained that PO Estling jumped in front of his vehicle and told him that he could not go down East 53rd Street. § 87(2)(b) told PO Estling to watch out, drove around him, continued down the block, and eventually stopped at a red light. Shortly after stopping, § 87(2)(b) heard something around his door and saw PO Estling standing directly in front of his window pulling on the handle of the driver's door. When § 87(2)(b) rolled his window down to ask PO Estling what he was doing, PO Estling twice told him, "I should pull you out of the car." § 87(2)(b) told him to go ahead but PO Estling did not respond and instead walked away to return to his initial post. § 87(2)(b) then pulled his car to the side of the road, parked it, and walked over to PO Estling. § 87(2)(b) asked PO Estling for his name and shield number, which PO Estling provided verbally. § 87(2)(b) then asked PO Estling for his business card and PO Estling stated that he did not have any with him.

As noted above, PO Estling did not activate his BWC until § 87(2)(b) approached him on foot. PO Estling's BWC footage (**BR01**, beginning at 00:53) captures § 87(2)(b) approaching PO Estling. At

01:00, § 87(2)(b) asks PO Estling for his shield number. At 01:05, § 87(2)(b) requests PO Estling's business card and asks for his shield number a second time. PO Estling verbally provides his name, shield number, and command. At 01:35, § 87(2)(b) asks PO Estling for his business card a second time and PO Estling answers that he does not have any.

PO Estling testified (BR05) that § 87(2)(b) ignored his signal to stop and nearly hit him while driving past him. PO Estling confirmed that he then approached § 87(2)(b) vehicle and spoke with him. PO Estling only told § 87(2)(b) that he almost hit him and to be patient with the officers enforcing traffic for the next week. PO Estling denied threatening to pull § 87(2)(b) out of the vehicle or saying anything at all other than to be patient with the traffic that week. PO Estling acknowledged that he did not give § 87(2)(b) a business card. He testified that he keeps his business cards in a bag at the 88th Precinct stationhouse, and that he did not have any cards on his person during the incident because he was detailed to work in Manhattan and thus did not go to his normal command that day.

Per NYC Administrative Code § 14-174, officers must provide business cards to any civilian who requests one, regardless of whether that civilian was the subject of a law enforcement activity which did result in an arrest or summons unless exigent circumstances are present. Any business cards used by an officer to identify himself or herself shall be pre-printed and include, at a minimum: The name, rank, shield number, and a space to write in the command of such officer, which shall be indicated; and a phone number for the 311 customer service center and an indication that such phone number may be used to submit comments about the encounter between such officer and such person. If an officer runs out of pre-printed cards, he must offer to provide the information on a hand-written card or provide the information verbally if no blank cards are available (BR06).

Per Administrative Guide 304-11, officers must carry "an appropriate amount of preprinted Right to Know Business Cards and Right to carry an appropriate amount of generic Know Business Cards – General in case their supply of pre-printed Right to Know Business Cards becomes depleted (BR07). Officers are required to activate their BWCs prior to engaging in any police action, which includes any police service, law enforcement, or investigative activity conducted in furtherance of official duties. Officers not required to record routine consensual conversations with members of the public carried out as part of community engagement efforts. Patrol Guide Procedure 212-123 (BR11).

§ 87(2)(g)

As § 87(2)(b) explicitly asked PO Estling for his business card, he was required to provide it for him. Although PO Estling verbally provided § 87(2)(b) with his name, rank, command, and shield number, he did not provide all the information that would have been included on his business card and thus failed to meet the standards outlined in the Administrative Code. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR08).

- PO Estling has been a member of the NYPD for six years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of March 13, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR09).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 5

Investigator: <u>Angel Milagros Riddle</u>	Inv. <u>Angel Milagros Riddle</u>	<u>April 5, 2023</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Daniel Giansante</u>	IM <u>Daniel Giansante</u>	<u>April 7, 2023</u>
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date